HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2015 OF 2006.

Smt. Rekha Sadhu @ Suraj Makhare. ..Petitioner.

Versus.

State of Maharashtra. ..Respondent.

Uday P. Warunjikar for the petitioner.

D. S. Mhaispurkar A.P.P. for the State.

CORAM: S.B.MHASE &
S.R.SATHE JJ

DATE: NOVEMBER 21, 2006.

P.C.

1. Heard Shri. Uday Warunjikar learned counsel for the petitioner. Investigation is in progress. The absconding accused has been arrested. Shri. Warunjikar tried to point out from the affidavit portion that the Investigating Officer is trying to make out a case of alibi. However, we do not find such an attempt on the part of I.O., it is an information received by I.O. which has reflected in the affidavit. Learned counsel then submitted that two panchas to the Inquest Panchnama have filed their affidavits that their signatures were taken by I.O. on the Inquest Panchnama and they are not aware about their contents. We do not desire to enter into this area.

In that eventuality the prosecution is entitled to declare them hostile and hold cross examination of those witnesses. Even they are entitled to refresh the memory of the panchas by showing the documents. Merely because witnesses have, at this stage, reported that their signatures have been obtained fraudulently, it cannot be held that the investigation is a fraud. We find that since the accused has been arrested the grievance of the petitioner is redressed. No interference is called for. Petition is hereby disposed of.

(S.R.SATHE,J.) **(S.B.MHASE, J.)**

:sac/2006/sathe/..